

HOUSE BILL No. 1196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-7-13-4; IC 3-10-1-7.2; IC 3-11; IC 3-11.5-4; IC 3-11.7; IC 3-12; IC 3-14-2-29; IC 4-8.1-2-4; IC 5-10.2; IC 20-23-8.

Synopsis: Various election law matters. Makes the following changes in election law: (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, an identification issued by an approved institution of higher learning, or a Medicare card is an acceptable proof of identification to vote. (2) Provides that an individual confined to a long term care facility may not be challenged solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record. (3) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (4) Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (5) Provides that a voter who executes an affidavit at the polls and is indigent or has a religious objection to being photographed is not required to present proof of identification. (6) Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) (7) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record. (8) Permits all absentee ballot envelopes and

(Continued next page)

Effective: Upon passage; July 1, 2008.

Pierce

January 10, 2008, read first time and referred to Committee on Elections and Apportionment.



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related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope. (9) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (10) Requires the secretary of state to publish an analysis of provisional voting in Indiana before the end of each year in which a general or a municipal election is held. (11) Requires the counting of a ballot (other than an absentee ballot not initialed by the appropriate election officials) that has been marked and cast by a voter in compliance with election law, but may otherwise not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. Repeals a statute providing that an absentee ballot may not be counted if the ballot does not contain initials of certain election officials. (12) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (13) Requires that a voting system purchased, leased, or lease purchased after March 15, 2008, must permit a voter to examine the paper record of the voter's votes to verify the voter's votes. (14) Permits a county election board to inspect the register or other recording device on an electronic voting system without obtaining the authority of the state recount commission. Repeals a statute imposing criminal penalties for the inspection of a voting system without the permission of the recount commission. (15) Provides that an individual elected treasurer of state takes office January 1 following the individual's election. Provides that the individual elected treasurer of state at the 2006 election vests as a member of PERF if the individual is reelected as treasurer of state at the 2010 election and serves in office until January 1, 2015. Establishes 65 years of age with at least eight years of creditable service as the normal retirement age for a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana. (16) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.)

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 40.5. **(a) Except as provided in subsections**
4 **(b) and (c), "proof of identification" refers to a document that satisfies**
5 all the following:

6 (1) The document shows the name of the individual to whom the
7 document was issued, and the name conforms to the name in the
8 individual's voter registration record.

9 (2) The document shows a photograph of the individual to whom
10 the document was issued.

11 (3) The document includes an expiration date, and the document:
12 (A) is not expired; or
13 (B) expired after the date of the most recent general election.

14 (4) The document was issued by **any of the following:**

15 **(A) The United States. or**

16 **(B) The state of Indiana.**

17 **(C) An approved postsecondary educational institution (as**

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defined in IC 21-7-13-6(a)).

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with the requirements of subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(c) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.

SECTION 3. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

(1) convicted of a crime; and

(2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

(1) imprisoned; or

(2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

(1) register under this article; and

(2) vote;

until the person has been convicted of a crime and imprisoned following conviction.

SECTION 4. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e),

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a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the~~ precinct election board **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

SECTION 5. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as ~~otherwise~~ provided in this article; a voter voting by absentee ballot must vote

(3) in the office of the circuit court clerk (or board of elections

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and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ **sections** 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 6. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for

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an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot.~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application;

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1 or
 2 (2) the deadline set by Indiana law for filing the application with
 3 the board;
 4 whichever occurs first.

5 (h) This subsection does not apply to an employee of the United
 6 States Postal Service or a bonded courier company acting in the
 7 individual's capacity as an employee of the United States Postal Service
 8 or a bonded courier company. A person filing an absentee ballot
 9 application, other than the person's own absentee ballot application,
 10 must sign an affidavit at the time of filing the application. The affidavit
 11 must be in a form prescribed by the commission. The form must
 12 include the following:

13 (1) A statement of the full name, residence and mailing address,
 14 and daytime and evening telephone numbers (if any) of the person
 15 submitting the application.

16 (2) A statement that the person filing the affidavit has complied
 17 with Indiana laws governing the submission of absentee ballot
 18 applications.

19 (3) A statement that the person has no knowledge or reason to
 20 believe that the individual whose application is to be filed:

21 (A) is ineligible to vote or to cast an absentee ballot; or

22 (B) did not properly complete and sign the application.

23 (4) A statement that the person is executing the affidavit under the
 24 penalties of perjury.

25 (5) A statement setting forth the penalties for perjury.

26 (i) The county election board shall record the date and time of the
 27 filing of the affidavit.

28 SECTION 7. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
 29 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the~~
 31 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~
 32 ~~absentee ballot by mail;~~ The county election board shall, at the request
 33 of the voter, mail the official ballot, postage fully prepaid, to the voter
 34 at the address stated in the application.

35 (b) If the county election board mails an absentee ballot to a voter
 36 required to file additional documentation with the county voter
 37 registration office before voting by absentee ballot under this chapter,
 38 the board shall include a notice to the voter in the envelope mailed to
 39 the voter under section 20 of this chapter. The notice must inform the
 40 voter that the voter must file the additional documentation required
 41 under IC 3-7-33-4.5 with the county voter registration office not later
 42 than noon on election day for the absentee ballot to be counted as an

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absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 8. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board officer~~ shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the

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- 1 poll list.
- 2 (c) If:
- 3 (1) the voter is unable or declines to present the proof of
- 4 identification; or
- 5 (2) a member of the precinct election board determines that the
- 6 proof of identification provided by the voter does not qualify as
- 7 proof of identification under IC 3-5-2-40.5;
- 8 a member of the precinct election board shall challenge the voter as
- 9 prescribed by this chapter.
- 10 (d) If the voter executes a challenged voter's affidavit under section
- 11 22.1 of this chapter, the voter may:
- 12 (1) sign the poll list; and
- 13 (2) receive a provisional ballot.
- 14 **(e) A voter described by either of the following is not required**
- 15 **to provide proof of identification before voting in an election:**
- 16 (1) A voter who votes in person at a precinct polling place that is
- 17 located at a state licensed care facility where the voter resides. ~~is~~
- 18 ~~not required to provide proof of identification before voting in an~~
- 19 ~~election.~~
- 20 (2) **A voter who executes an affidavit, in the form prescribed**
- 21 **by the commission, affirming under the penalties of perjury**
- 22 **that the voter satisfies either of the following:**
- 23 **(A) The voter is:**
- 24 **(i) indigent; and**
- 25 **(ii) unable to obtain proof of identification without the**
- 26 **payment of a fee.**
- 27 **(B) The voter has a religious objection to being**
- 28 **photographed.**
- 29 (f) After a voter has passed the challengers or has been sworn in, the
- 30 voter shall be instructed by a member of the precinct election board to
- 31 proceed to the location where the poll clerks are stationed. The voter
- 32 shall announce the voter's name to the poll clerks or assistant poll
- 33 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
- 34 election board shall require the voter to write the following on the poll
- 35 list:
- 36 (1) The voter's name.
- 37 (2) Except as provided in subsection (k), the voter's current
- 38 residence address.
- 39 (g) The poll clerk, an assistant poll clerk, or a member of the
- 40 precinct election board shall:
- 41 (1) ask the voter to provide or update the voter's voter
- 42 identification number;

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(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 9. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic

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mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 10. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large~~ **or** carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 11. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall~~ vote the ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

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(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 12. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.

(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).

(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be delivered to the polls: counted.

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls

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1 shall be returned to the county election board and be counted as
2 provided in this section.

3 SECTION 13. IC 3-11-10-15 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time
5 between the opening and closing of the polls on election day, the
6 inspector, in the presence of the precinct election board, shall do all of
7 the following:

8 (1) Open the outer or carrier envelope containing an absentee
9 ballot envelope and application.

10 (2) Announce the absentee voter's name.

11 (3) Compare the signature upon the ~~application~~ **voter's affidavit**
12 **of registration** with the signature upon the affidavit on the ballot
13 envelope or transmitted affidavit attached to the ballot envelope.

14 SECTION 14. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,
15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b),
17 a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

18 (1) The voter has a specific, reasonable expectation of being
19 absent from the county on election day during the entire twelve
20 (12) hours that the polls are open.

21 (2) The voter will be absent from the precinct of the voter's
22 residence on election day because of service as:

23 (A) a precinct election officer under IC 3-6-6;

24 (B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

25 (C) a challenger or pollbook holder under IC 3-6-7; or

26 (D) a person employed by an election board to administer the
27 election for which the absentee ballot is requested.

28 (3) The voter will be confined on election day to the voter's
29 residence; to a health care facility; or to a hospital because of an
30 illness or injury during the entire twelve (12) hours that the polls
31 are open.

32 (4) The voter is a voter with disabilities.

33 (5) The voter is an elderly voter.

34 (6) The voter is prevented from voting due to the voter's care of
35 an individual confined to a private residence because of illness or
36 injury during the entire twelve (12) hours that the polls are open.

37 (7) The voter is scheduled to work at the person's regular place of
38 employment during the entire twelve (12) hours that the polls are
39 open.

40 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

41 (9) The voter is prevented from voting due to observance of a
42 religious discipline or religious holiday during the entire twelve

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~~(12) hours that the polls are open.~~

~~(10) The voter is an address confidentiality program participant
(as defined in IC 5-26.5-1-6).~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the
absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address
within Indiana;

must vote before an absentee voter board under section 25(b) of this
chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall
personally mark the ballot in secret and seal the marked ballot inside
the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for
delivery to the county election board; or

(2) authorize a member of the voter's household or the individual
designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county
election board.

(d) If a member of the voter's household or the voter's attorney in
fact delivers the sealed envelope containing a voter's absentee ballot to
the county election board, the individual delivering the ballot shall
complete an affidavit in a form prescribed by the commission. The
affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee
ballot is being delivered.

(2) A statement of the full name, residence and mailing address,
and daytime and evening telephone numbers (if any) of the
individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the
absentee ballot is a member of the voter's household or is the
attorney in fact for the voter. If the individual is the attorney in
fact for the voter, the individual must attach a copy of the power
of attorney for the voter, unless a copy of this document has
already been filed with the county election board.

(4) The date and location at which the absentee ballot was
delivered by the voter to the individual delivering the ballot to the
county election board.

(5) A statement that the individual delivering the absentee ballot
has complied with Indiana laws governing absentee ballots.

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(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 15. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of~~ **the voter:**

(1) **has an** illness or injury; ~~or~~

(2) **is** caring for a confined person at a private residence; **or**

(3) **is subject to lawful detention but has not been convicted of a crime;**

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the

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discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 16. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the

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1 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

2 (c) The voter may vote before the board not more than ~~twenty-nine~~
3 ~~(29)~~ **twenty-eight (28)** days nor later than noon on the day before
4 election day.

5 (d) An absent uniformed services voter who is eligible to vote by
6 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
7 may vote before the board not earlier than ~~twenty-nine (29)~~
8 **twenty-eight (28)** days before the election and not later than noon on
9 election day. If a voter described by this subsection wishes to cast an
10 absentee ballot during the period beginning at noon on the day before
11 election day and ending at noon on election day, the county election
12 board or absentee voter board may receive and process the ballot at a
13 location designated by resolution of the county election board.

14 (e) The absentee voter board in the office of the circuit court clerk
15 must permit voters to cast absentee ballots under this section for at
16 least seven (7) hours on each of the two (2) Saturdays preceding
17 election day.

18 (f) Notwithstanding subsection (e), in a county with a population of
19 less than twenty thousand (20,000), the absentee voter board in the
20 office of the circuit court clerk, with the approval of the county election
21 board, may reduce the number of hours available to cast absentee
22 ballots under this section to a minimum of four (4) hours on each of the
23 two (2) Saturdays preceding election day.

24 (g) As provided by 42 U.S.C. 15481, a voter casting an absentee
25 ballot under this section must be:

- 26 (1) permitted to verify in a private and independent manner the
- 27 votes selected by the voter before the ballot is cast and counted;
- 28 (2) provided with the opportunity to change the ballot or correct
- 29 any error in a private and independent manner before the ballot is
- 30 cast and counted, including the opportunity to receive a
- 31 replacement ballot if the voter is otherwise unable to change or
- 32 correct the ballot; and
- 33 (3) notified before the ballot is cast regarding the effect of casting
- 34 multiple votes for the office and provided an opportunity to
- 35 correct the ballot before the ballot is cast and counted.

36 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is
37 provided under this section, the board must also provide the voter with:

- 38 (1) information concerning the effect of casting multiple votes for
- 39 an office; and
- 40 (2) instructions on how to correct the ballot before the ballot is
- 41 cast and counted, including the issuance of replacement ballots.

42 (i) If:

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(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 17. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the following:**

(1) Produce a permanent paper record with a manual audit capacity for the system. ~~and~~

(2) Permit the voter to examine the paper record of the voter's votes to verify the voter's votes. This subdivision applies only to a voting system purchased, leased, or lease purchased after March 15, 2008.

~~(2)~~ (3) Provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(c) The paper record produced under subsection (b) ~~must be made available as~~ is an official record for a recount or contest conducted with respect to any election in which the voting system was used.

(d) A voter may not keep the paper record the voter has examined under subsection (b)(2).

SECTION 18. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are considered as arriving too late and may not be counted.

SECTION 19. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter,

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absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 20. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:
 - (A) personally appeared before the precinct election board; and
 - (B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board; in the form prescribed by the commission; affirming under the penalties of perjury that:~~

- ~~(1) the voter is the same individual who:~~
 - ~~(A) personally appeared before the precinct election board; and~~
 - ~~(B) cast the provisional ballot on election day; and~~
- ~~(2) the voter:~~
 - ~~(A) is:~~
 - ~~(i) indigent; and~~

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- 1 (ii) unable to obtain proof of identification without the
 2 payment of a fee; or
 3 (B) has a religious objection to being photographed;
 4 the county election board shall determine whether the voter has been
 5 challenged for any reason other than the voter's inability or declination
 6 to present proof of identification to the precinct election board.
 7 (d) If the county election board determines that the voter described
 8 in subsection (c) has been challenged solely for the inability or
 9 declination of the voter to provide proof of identification, the county
 10 election board shall:
 11 (1) find that the voter's provisional ballot is valid; and
 12 (2) direct that the provisional ballot be:
 13 (A) opened under section 4 of this chapter; and
 14 (B) processed in accordance with this chapter.
 15 (e) (c) If the county election board determines that a voter described
 16 in subsection (b) or (c) has been challenged for a cause other than the
 17 voter's inability or declination to provide proof of identification, the
 18 board shall:
 19 (1) note on the envelope containing the provisional ballot that the
 20 voter has complied with the proof of identification requirement;
 21 and
 22 (2) proceed to determine the validity of the remaining challenges
 23 set forth in the challenge affidavit before ruling on the validity of
 24 the voter's provisional ballot.
 25 (f) (d) If a voter described by subsection (a) fails by the deadline for
 26 counting provisional ballots referenced in subsection (a) to:
 27 (1) appear before the county election board; and
 28 (2) execute an affidavit in the manner prescribed by subsection
 29 (b); or (c);
 30 the county election board shall find that the voter's provisional ballot
 31 is invalid.
 32 SECTION 21. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2008]:
 35 **Chapter 7. Evaluation of Provisional Voting**
 36 **Sec. 1. Not later than December 31 of each year in which a**
 37 **general or municipal election is held, the secretary of state shall**
 38 **publish an analysis of provisional voting in Indiana during that**
 39 **election year.**
 40 **Sec. 2. The analysis required by section 1 of this chapter must**
 41 **contain the following information:**
 42 (1) The number of provisional ballots cast by county.

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(2) The reasons that provisional ballots were cast. The analysis may group the reasons for casting provisional ballots by category.

(3) The number of provisional ballots counted and the number of provisional ballots not counted, by category.

(4) Measures of variance in casting of provisional ballots by county.

(5) Length of time to check validity and count provisional ballots by county.

(6) The variation in the use of provisional ballots among all counties.

Sec. 3. The analysis required by section 1 of this chapter must consider the following questions:

(1) Whether the provisional ballot system distributes, collects, records, and counts provisional votes with acceptable accuracy.

(2) Whether the provisional ballot system counts all votes cast by properly registered voters who have correctly completed all steps to cast a vote.

(3) Whether the provisional ballot system is structured sufficiently to perform well when the number of votes cast for opposing candidates is close.

(4) Whether the procedural requirements of the provisional ballot system permit a cost efficient, accurate, and timely operation.

(5) Whether the variation in the use of provisional ballots throughout Indiana is great enough to raise concern that the provisional ballot system is not administered uniformly across Indiana.

Sec. 4. The county election board of each county shall collect and send to the secretary of state any information about the use of provisional ballots in the county as required by the secretary of state.

SECTION 22. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless~~ **shall** be counted ~~in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot

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1 is presented. ~~by a party to the proceeding.~~

2 (c) The act or failure to act by an election officer is not by itself
3 evidence of fraud, tampering, or misconduct affecting the integrity of
4 the ballot.

5 SECTION 23. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
6 SECTION 105, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems
8 are used in a precinct, the county election board may ~~request~~
9 ~~authorization from the state recount commission to~~ inspect the
10 registering counter or other recording device on any electronic voting
11 system showing the number of votes cast for any candidate or public
12 question. ~~If authorized by the state recount commission,~~ The board may
13 conduct an inspection either before it proceeds to count and tabulate
14 the vote or within one (1) day after the count and tabulation are
15 finished.

16 SECTION 24. IC 4-8.1-2-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The**
18 **individual elected as treasurer of state shall take office on January**
19 **1 following the individual's election.**

20 **(b)** The treasurer of state and ~~his~~ the deputy treasurers shall each
21 give bond in an amount determined by the auditor of state and the
22 governor. The bond shall be conditioned on the faithful performance
23 of the duties as treasurer of state and deputy treasurer, respectively.
24 The bond must be procured from a surety company authorized by law
25 to transact business in this state.

26 SECTION 25. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),
29 "vested status" as used in this article means the status of having ten
30 (10) years of creditable service.

31 (b) In the case of a person who is an elected county official whose
32 governing body has provided for the county official's participation in
33 the public employees' retirement fund under IC 5-10.3-7-2(1), "vested
34 status" means the status of having:

35 (1) at least eight (8) years of creditable service as an elected
36 county official in an office described in IC 5-10.2-4-1.7;

37 (2) been elected at least two (2) times if the person would have
38 had at least eight (8) years of creditable service as an elected
39 county official in an office described in IC 5-10.2-4-1.7 had the
40 person's term of office not been shortened under a statute enacted
41 under Article 6, Section 2(b) of the Constitution of the State of
42 Indiana; or

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(3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual shall be vested if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 26. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only to a member of the public employees' retirement fund who:**

- (1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and**
- (2) whose term of office as a state officer commenced after the election held on November 5, 2002.**

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

- (1) has:**
 - (A) served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana for at least eight (8) years; or**
 - (B) been elected at least two (2) times and would have served at least eight (8) years as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted to establish uniform dates for beginning the terms of state officers listed in Article 6, Section 1 of the Constitution of the State of Indiana; and**
- (2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.**

(c) A member who:

- (1) has served as a state officer listed in Article 6, Section 1 of**

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1 **the Constitution of the State of Indiana; and**
 2 **(2) does not meet the requirements of subsection (b);**
 3 **is eligible for normal retirement if the member has attained vested**
 4 **status (as defined in IC 5-10.2-1-8(a)) and meets the requirements**
 5 **of section 1 of this chapter.**

6 SECTION 27. IC 20-23-8-10, AS ADDED BY P.L.1-2005,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 10. (a) A change in a plan may be initiated by
 9 one (1) of the following procedures:

10 (1) By filing a petition signed by at least ~~twenty ten~~ percent
 11 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of
 12 the school corporation with the clerk of the circuit court.

13 (2) By a resolution adopted by the governing body of the school
 14 corporation.

15 (3) By ordinance adopted by a city legislative body under section
 16 13 of this chapter.

17 (b) A petition, resolution, or ordinance must set forth a description
 18 of the plan that conforms with section 7 of this chapter.

19 ~~(c) Except as provided in subsection (a)(1), in a city having a~~
 20 ~~population of more than fifty-nine thousand seven hundred (59,700)~~
 21 ~~but less than sixty-five thousand (65,000), a change in a plan may be~~
 22 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~
 23 ~~voters of the school corporation with the clerk of the circuit court.~~

24 SECTION 28. IC 20-23-8-14, AS ADDED BY P.L.1-2005,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 14. (a) Not more than ten (10) days after a
 27 governing body has:

28 (1) initiated;

29 (2) approved; or

30 (3) disapproved;

31 a plan initiated by the petition filed with it, the governing body shall
 32 publish a notice one (1) time in a newspaper of general circulation in
 33 the county of the school corporation. If a newspaper of general
 34 circulation is not published in the county of the school corporation, the
 35 governing body shall publish a notice one (1) time in a newspaper of
 36 general circulation published in a county adjoining the county of the
 37 school corporation.

38 (b) The notice must set out the text of a plan initiated by the
 39 governing body or another plan filed with the governing body before
 40 the preparation of the notice. The notice must also state the right of a
 41 voter, as provided in this section, to file a petition for alternative plans
 42 or a petition protesting the adoption of a plan or plans to which the

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1 notice relates.

2 (c) If the governing body fails to publish a notice required by this
3 section, the governing body shall, not more than five (5) days after the
4 expiration of the ten (10) day period for publication of notice under this
5 section, submit the petition that has been filed with the clerk to the
6 state board, whether or not the plan contained in the petition or the
7 petition meets the requirements of this chapter.

8 (d) Not later than one hundred twenty (120) days after the
9 publication of the notice, voters of the school corporation may file with
10 the clerk a petition protesting a plan initiated or approved by the
11 governing body or a petition submitting an alternative plan as follows:

12 (1) A petition protesting a plan ~~shall must~~ be signed by at least
13 ~~twenty ten~~ percent ~~(20%) (10%)~~ of the **active voters (as defined**
14 **in IC 3-5-2-1.7)** of the school corporation or five hundred (500)
15 voters of the school corporation, whichever is less.

16 (2) A petition submitting an alternative plan ~~shall must~~ be signed
17 by at least ~~twenty ten~~ percent ~~(20%) (10%)~~ of the **active voters**
18 **(as defined in IC 3-5-2-1.7)** of the school corporation.

19 A petition filed under this subsection shall be certified by the clerk and
20 shall be filed with the governing body in the same manner as is
21 provided for a petition in section 11 of this chapter.

22 (e) The governing body or the voters may not initiate or file
23 additional plans until the plans that were published in the notice or
24 submitted as alternative plans not later than one hundred twenty (120)
25 days after the publication of the notice have been disposed of by:

- 26 (1) adoption;
- 27 (2) defeat at a special election held under section 16 of this
- 28 chapter; or
- 29 (3) combination with another plan by the state board under
- 30 section 15 of this chapter.

31 SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE
32 UPON PASSAGE]: IC 3-12-1-13; IC 3-14-2-29.

33 SECTION 30. **An emergency is declared for this act.**

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